

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

RAYMOND GONZALEZ,

Plaintiff,

-against-

9:10-CV-0312 (LEK/DEP)

DR. DONALD SAWYER; *et al.*,

Defendants.

ORDER

This matter comes before the Court following a Report-Recommendation filed on February 27, 2013, by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and Northern District of New York Local Rule 72.3(d). Dkt. No. 61 (“Report-Recommendation”).

Within fourteen days after a party has been served with a copy of a magistrate judge’s report-recommendation, the party “may serve and file specific, written objections to the proposed findings and recommendations.” FED. R. CIV. P. 72(b); N.D.N.Y. L.R. 72.1(c). “If no objections are filed . . . reviewing courts should review a report and recommendation for clear error.” Edwards v. Fischer, 414 F. Supp. 2d 342, 346-47 (S.D.N.Y. 2006).

No objections to the Report-Recommendation were filed in the allotted time period. After a thorough review of the Report-Recommendation and the record, the Court has determined that the Report-Recommendation is not subject to attack for clear error or manifest injustice.

Accordingly, it is hereby:

ORDERED, that the Report-Recommendation (Dkt. No. 61) is **APPROVED** and **ADOPTED in its entirety**; and it is further

ORDERED, that Defendants' Motion (Dkt. No. 45) for summary judgment is **GRANTED in part** and **DENIED in part** consistent with this Order; and it is further

ORDERED, that Plaintiff's access-to-courts claim against Defendants Sawyer and Hanna is **DISMISSED**; and it is further

ORDERED, that Plaintiff's claims against Defendants Sawyer and Hanna arising from their petitions to the New York State Supreme Court to have Plaintiff transferred and involuntarily medicated are **DISMISSED**; and it is further

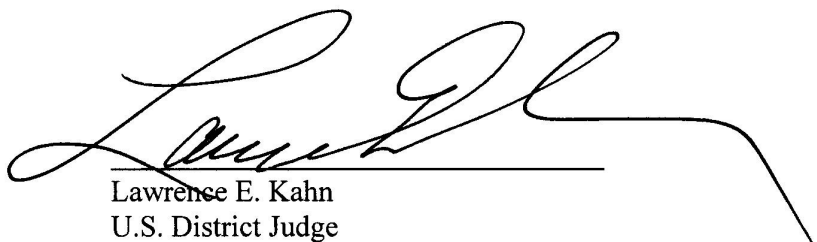
ORDERED, that Plaintiff's excessive force claim against Defendant Harmon is **DISMISSED**; and it is further

ORDERED, that Plaintiff's excessive force claims against Defendants Nicotera and Nitti **SURVIVE** Defendants' Motion (Dkt. No. 45) for summary judgment; and it is further

ORDERED, that the Clerk of the Court serve a copy of this Order upon the parties to this action.

IT IS SO ORDERED.

DATED: March 21, 2013
Albany, New York



Lawrence E. Kahn
U.S. District Judge